IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 14390 of 2004

Between:

1 L. Sarinya, D/o. L. Shivacharan,
Being Minor rep. by her Father, R/o. H.No. 1-1-403/A/1, G-3, Sairam Apartments, Gandhi Nagar, Hyderabad.
2 S. Venkatesh, S/o. Sri Ramulu,
R/o. 8-5-293/1, Brundavan Colony, Bowenpally, Secunderabad.
3 B. Madhu, S/o. B. Satyanarayana,
R/o. 7-173, Ambedkar Nagar, Chintal, Qutubullapur Mandal, R.R. District.

... PETITIONERS

AND

1 The District Collector, Ranga Reddy District,
Lakdikapool, Hyderabad.
2 The Revenue Divisional Officer, East Division, Ranga Reddy District,
Near Goshamahal, Hyderabad.
3 The Mandal Revenue Officer, Quthbullapur Mandal, Ranga Reddy District.
4 The Commissioner, Quthbullapur Municipality, Quthbullapur Mandal, Ranga

Reddy District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an Order, Direction or Writ more particularly one in the nature Writ of Mandamus, declaring the action of the Respondents in demolishing the house property bearing No.8-82/7 (old), 7-214/7 (New) admeasuring 660 Sq. Yds or 551.76 mtrs, situated at Ambedkar Nagar of Quthubullapur Village and Mandal,

Quthubullapur Municipality, Ranga Reddy District, without following the due process of law as illegal, arbitrary, unjust, unreasonable, contrary to the principles of Natural Justice and violative of Fundamental and Constitutional Rights guaranteed under Article 14, 19, 21 and 300-A of the Constitution of India.

Counsel for the Petitioners: MR.P.PURUSHOTHAM REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following Order:

ORDER:

Petitioner claiming to be the owner and possessor of house property bearing No.8-82/7 (old), 7-214/7(new) admeasuring 660 Sq.yds situated at Ambedkar Nagar of Quthubullapur Village and Mandal, Quthubullapur Municipality, Ranga Reddy District having purchased under registered Sale Deed vide Document No.8253 of 2000 dated 09-11-2000, filed the present Writ Petition questioning the high-handed action of the officials of the respondent-municipality in demolishing the property without following due process of law as arbitrary, illegal and violative of Articles 14, 19, 21 and 300-A of the Constitution of India.

2. It is stated that originally Padmanagar Co-operative House Building Society purchased large extents of land. After making it into plots, the said society obtained layout sanction from the authorities and allotted the said plot to the petitioner's vendor and subsequently the vendor was put in possession of the property. To protect the property from land grabbing, the petitioner's vendor undertook construction of compound wall and one room comprising 100 Sq.feet RCC roof. At the instance of Dr.B.R.Ambedkar Welfare Association, some of it's members made a representation to the third respondent demanding allotment of land for the purpose of construction of a school building. Third respondent, along with his subordinate officials, without following any procedure and without any notice demolished the said structure.

3. In response to the notice, fourth respondent filed counter stating that Qutubullapur Municipality received a representation to allot the Government land for construction of a Government School. Thereafter, Town planning officials of the municipality were directed to inspect the site, who found that the petitioner was constructing the compound wall on the Government land without any permission from the respondent-municipality or any other authority. In view of the same, unauthorized construction was stalled under the A.P. Municipalities Act, 1965 (for short "The Act"). The action taken by the municipality in stopping the unauthorized construction over the Government land without any permission is justified. If the petitioner comes with the requisite applications and comply with the requirements for sanction of building permissions, the same will be considered and necessary orders will be passed under the Act.

4. In view of the same, if the revenue officials claim that the land which is purchased by the petitioner belongs to the Government, without issuing notice for the action proposed they cannot take any action for demolishing the compound wall or building, if any, existing thereon. If the land which is purchased by the petitioner belongs to the Government, respondents 1 to 3 can always take steps to protect the said land after following the due procedure.

5. The Writ Petition is accordingly disposed of. No costs.

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A. GOPAL REDDY, J

August 25, 2004

MRR/MURTHY

To:

1 The District Collector, Ranga Reddy District,
Lakdikapool, Hyderabad.
2 The Revenue Divisional Officer, East Division, Ranga Reddy District,
Near Goshamahal, Hyderabad.
3 The Mandal Revenue Officer, Quthbullapur Mandal, Ranga Reddy District.
4 The Commissioner, Quthbullapur Municipality, Quthbullapur Mandal, Ranga

Reddy District.

5 Two C.C s to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT).

6 Two C.D. Copies.